

AMENDED IN ASSEMBLY MAY 27, 2003

AMENDED IN ASSEMBLY APRIL 8, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1022**

**Introduced by Assembly Member Oropeza**

February 20, 2003

---

---

An act to amend ~~Section 21455.5~~ *Sections 21455.5 and 21455.6* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1022, as amended, Oropeza. Vehicles: automated enforcement systems.

Existing law authorizes the limit line, intersection, or other places where a driver is required to stop to be equipped with an automated enforcement system, as defined, if the system meets certain requirements. Existing law limits the authority to operate an automated enforcement system to governmental agencies, in cooperation with law enforcement agencies.

This bill would define the term “operate” for purposes of these provisions and would prohibit a contract between a governmental agency and a manufacturer or supplier of automated enforcement equipment from including provision for the payment or compensation to the manufacturer or supplier based on the number of citations generated, or as a percentage of the revenue generated, as a result of the use of the equipment as authorized under these provisions.

The bill would authorize the governmental agency to contract out the operation, as defined, of the system under certain circumstances, except

for certain activities that the bill would prohibit from being contracted out to the manufacturer or supplier of the automated enforcement system.

The bill would specify that these provisions do not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21455.5 of the Vehicle Code is amended  
2 to read:

3 21455.5. (a) The limit line, the intersection, or a place  
4 designated in Section 21455, where a driver is required to stop,  
5 may be equipped with an automated enforcement system if the  
6 governmental agency utilizing the system meets all of the  
7 following requirements:

8 (1) Identifies the system by signs that clearly indicate the  
9 system's presence and are visible to traffic approaching from all  
10 directions, or posts signs at all major entrances to the city,  
11 including, at a minimum, freeways, bridges, and state highway  
12 routes.

13 (2) If it locates the system at an intersection, ensures that the  
14 system meets the criteria specified in Section 21455.7 *and the*  
15 *minimum engineering standards set forth in the Traffic Manual of*  
16 *the Department of Transportation.*

17 (3) Prior to installation at an intersection, considers ~~and~~  
18 ~~evaluates~~ alternative traffic safety strategies for their practicality  
19 or likelihood to improve safety, or both, including, but not limited  
20 to, all of the following:

21 (A) The use of traditional traffic enforcement measures.

22 (B) Improvement of the physical environment at the proposed  
23 location, including, but not limited to, improved signal placement.

24 (C) Changes in the operating parameters of the proposed  
25 location and its equipment, including, but not limited to, the use  
26 of an all-red signal display.



(4) Ensures that its guidelines for selection of location include a requirement that there be a demonstrated traffic safety need for installation of the system that is based on vehicle accident rates.

~~(b) installation of the system at the time of installation that is based on vehicle, pedestrian, or bicycle accident rates, or on a documented high rate of violations of Section 21453, 21455, or 22101 where there is a potential for traffic collisions due to a high flow of cross traffic.~~

(b) Paragraphs (2), (3), and (4) of subdivision (a) do not apply to a location that is equipped with an automated enforcement system on or before January 1, 2004, unless the system is updated or otherwise modified on or after that date.

(c) Prior to issuing citations under this section, a local jurisdiction utilizing an automated traffic enforcement system shall commence a program to issue only warning notices for 30 days. The local jurisdiction shall also make a public announcement of the automated traffic enforcement system at least 30 days prior to the commencement of the enforcement program.

~~(e)~~

(d) Only a governmental agency, in cooperation with a law enforcement agency, may operate an automated enforcement system. As used in this subdivision, “operate” includes all of the following activities:

(1) Developing uniform guidelines for screening and issuing violations and for the processing and storage of confidential information, and establishing procedures to ensure compliance with those guidelines.

(2) Performing administrative functions and day-to-day functions, including, but not limited to, all of the following:

(A) Establishing guidelines for selection of location.

(B) Ensuring that the equipment is regularly inspected.

(C) Certifying that the equipment is properly installed and calibrated, and is operating properly.

(D) Regularly inspecting and maintaining warning signs placed under paragraph (1) of subdivisions subdivision (a).

(E) Overseeing the establishment or change of signal phases and the timing thereof.

(F) Maintaining controls necessary to assure that only those citations that have been reviewed and approved by law enforcement are delivered to violators.

1 ~~(d)~~—

2 (e) The activities listed in subdivision ~~(e)~~ (d) that relate to the  
3 operation of the system may be contracted out by the governmental  
4 agency, if it maintains overall control and supervision of the  
5 system. However, the activities listed in paragraph (1) of, and  
6 subparagraphs (A), (D), (E), and (F) of paragraph (2) of,  
7 subdivision ~~(e)~~ (d) may not be contracted out to the manufacturer  
8 or supplier of the automated enforcement system.

9 ~~(e)~~—

10 (f) (1) Notwithstanding Section 6253 of the Government  
11 Code, or any other provision of law, photographic records made  
12 by an automated enforcement system shall be confidential, and  
13 shall be made available only to governmental agencies and law  
14 enforcement agencies and only for the purposes of this article.

15 (2) Confidential information obtained from the Department of  
16 Motor Vehicles for the administration or enforcement of this  
17 article shall be held confidential, and may not be used for any other  
18 purpose.

19 (3) Notwithstanding Section 34090 of the Government Code or  
20 any other provision of law, the confidential records and  
21 information described in paragraphs (1) and (2) may not be  
22 retained for a period longer than six months from the date the  
23 information was first obtained, or until final disposition of the  
24 citation, whichever date is later, after which time the information  
25 shall be destroyed in a manner that will preserve the confidentiality  
26 of any person included in the record or information.

27 ~~(f)~~—

28 (g) Notwithstanding subdivision (e), the registered owner or  
29 any individual identified by the registered owner as the driver of  
30 the vehicle at the time of the alleged violation shall be permitted  
31 to review the photographic evidence of the alleged violation.

32 ~~(g)~~—

33 (h) A contract between a governmental agency and a  
34 manufacturer or supplier of automated enforcement equipment  
35 may not include provision for the payment or compensation to the  
36 manufacturer or supplier based on the number of citations  
37 generated, or as a percentage of the revenue generated, as a result  
38 of the use of the equipment authorized under this section.

39 ~~(h)~~—

(i) This section does not apply to a contract that was entered into by a governmental agency and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

SEC. 2. Section 21455.6 of the Vehicle Code is amended to read:

21455.6. (a) A city council or county board of supervisors shall conduct a public hearing on the proposed use of an automated enforcement ~~systems~~ system authorized pursuant to under Section 21455.5 prior to ~~that~~ authorizing the city or county entering to enter into a contract for the use of ~~those systems~~ the system.

(b) (1) The activities listed in subdivision (d) of Section 21455.5 that relate to the operation of an automated enforcement system may be contracted out by the city or county, except that the activities listed in paragraph (1) of, and subparagraphs (A), (D), (E), or (F) of paragraph (2) of, subdivision (d) of Section 21455.5 may not be contracted out to the manufacturer or supplier of the automated enforcement system.

(2) Paragraph (1) does not apply to a contract that was entered into by a city or county and a manufacturer or supplier of automated enforcement equipment before January 1, 2004, unless that contract is renewed, extended, or amended on or after January 1, 2004.

(c) The authorization in Section 21455.5 to use automated enforcement systems does not authorize the use of photo radar for speed enforcement purposes by any jurisdiction.